

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 20-cr-197 (DWF/TNL)

Plaintiff,

v.

ORDER

Esteban Ramos,

Defendant.

This matter comes before the Court on Defendant Esteban Ramos's Motion for Continuance of Motion Filing Date and Motion Hearing (ECF No. 17). Defendant has also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act (ECF No. 18). Defendant requests a 30-day continuance of the deadline to file motions and the motions hearing scheduled for November 3, 2020, as he is currently in inpatient treatment and needs additional time to review discovery and consult with counsel. (ECF Nos. 17, 18.) The Government has no objection to the requested continuance. (ECF No. 17.)

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting such a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his attorney reasonable time necessary for effective preparation and to make efficient use of the parties' resources. Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Continuance of Motion Filing Date and Motion Hearing (ECF No. 17) is **GRANTED**.
2. The period of time from **October 7 through December 8, 2020**, shall be excluded from Speedy Trial Act computations in this case.
3. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **November 9, 2020**. D. Minn. LR 12.1(c)(1).
4. As previously stated (ECF No. 13), on August 27, 2020, Chief District Judge John R. Tunheim issued General Order No. 18, "In Re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19."¹ This order states that, with the defendant's consent, criminal proceedings will be conducted by videoconferencing or telephone conferencing if videoconferencing is not reasonably available. The order further states that, if the defendant declines to consent to proceedings by videoconferencing or telephone conferencing, the matter be continued until an in-person hearing can be held. **Accordingly, should Defendant file pretrial motions, counsel for Defendant shall also file a letter indicating whether Defendant consents to a motion hearing by videoconference.**
5. **Counsel must electronically file a letter on or before November 9, 2020, if no motions will be filed and there is no need for hearing.**
6. All responses to motions must be filed by **November 23, 2020**. D. Minn. LR 12.1(c)(2).
7. Any Notice of Intent to Call Witnesses must be filed by **November 23, 2020**. D. Minn. LR 12.1(c)(3)(A).
8. Any Responsive Notice of Intent to Call Witnesses must be filed by **November 30, 2020**. D. Minn. LR 12.1(c)(3)(B).

[Continued on next page.]

¹ All General Orders related to the COVID-19 pandemic may be found on the Court's website at <https://www.mnd.uscourts.gov/coronavirus-covid-19-guidance>. This Court is aware and takes note of General Order No. 19, which went into effect on September 26, 2020. This Order extends the Court's authorization to conduct certain criminal proceedings via video or telephone conference pursuant to the CARES Act "[b]ecause the emergency created by the COVID-19 outbreak continues to materially affect the functioning of court operations in the District of Minnesota." *In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 19 (D. Minn. Sept. 25, 2020).

9. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:
 - a. The Government makes timely disclosures and a Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
 - b. Oral argument is requested by either party in its motion, objection or response pleadings.
10. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **December 8, 2020**, at **1:00 p.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota. D. Minn. LR 12.1(d).
11. **TRIAL: The trial date, and other related dates, will be rescheduled at a date and time to be determined before District Judge Donovan W. Frank in Courtroom 7C, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, ST. PAUL, Minnesota 55101.** Counsel must contact the Courtroom Deputy for District Judge Frank to confirm the new trial date.

Dated: October 13, 2020

s/Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

United States v. Ramos
Case No. 20-cr-197 (DWF/TNL)